



Express Mail Label No. EV 336 039 908 US

US Attorney Docket No. 50665-8009.US01

Applicant: Rodriguez and Huang
Serial No.: 09/932,328
Filing Date: August 17, 2001
For: **PLANT SELECTABLE MARKER AND PLANT
TRANSFORMATION METHOD**

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Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Transmitted herewith are the following:
 - ☒ An Amendment under 37 C.F.R. §1.111
 - ☒ A Petition for two-month time extension
 - ☒ A Terminal Disclaimer
 - ☒ A Check in the amount of \$265 covering fees due.
2. Entity Status
 - ☒ Small Entity is proper for this case.
3. Conditional Petition for Extension of Time:
An Extension of Time is requested to provide for timely filing if necessary for timely filing of this transmittal and enclosures.
4. Provisional Fee Authorization
Please charge any underpayment, or credit any overpayment, in fees for timely filing of this transmittal and enclosures to Deposit Account No. 50-2207.

Respectfully submitted,

Jacqueline F. Mahoney

Jacqueline F. Mahoney
Registration No. 48,390

Date: Oct. 14, 2003

Correspondence Address:

Customer No. 22918

Phone: (650) 838-4410



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF:

Rodriguez and Huang

APPLICATION No.: 09/932,328

FILED: August 17, 2001

FOR: PLANT SELECTABLE MARKER AND PLANT
TRANSFORMATION METHOD

EXAMINER: Fox, D.

ART UNIT: 1638

CONF. No: 4810

RECEIVED
OCT 24 2003
TECH CENTER 1600/2900Terminal DisclaimerCommissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Ventria Bioscience, Assignee of the entire right, title and interest in the above-identified patent application by virtue of its change of name from Applied Phytologics, Inc., and by virtue of an Assignment to Applied Phytologics, Inc., as recorded in the U.S. Patent and Trademark Office at Reel 010343 and Frame 0203 on November 1, 1999, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154 to §156 and §173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,284,956 issued September 4, 2001.

The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patents and/or patent applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC §154 to §156 and §173 of the above-listed patents and/or applications, as presently shortened by any terminal disclaimer, in the event that said patent(s)/application(s) later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner

terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

1. Authority of Undersigned

The undersigned is an attorney or agent of record.

2. Fee Payment

- ☒ Small entity (\$55.00)
- ☒ A check for \$265 including the above fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any underpayment in fees necessary for entry of this Terminal Disclaimer, to Deposit Account No. 50-2207.

Respectfully submitted,
Perkins Coie LLP

Date: Oct. 14, 2003

Jacqueline F. Mahoney
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Registration No. 48,390

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(650) 838-4410